IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

SINGLE BENCH

CONTEMPT PETITION UNDER ARTICLE 215 OF THE CONSTITUTION OF INDIA READ WITH SECTION 12 OF THE CONTEMPT OF COURTS ACT

CONTEMPT PETITION NO. 46 OF 2005

PETITIONER/ NON-APPLICANT	:	Nathulal Agrawal S/o. Laxman Das Agrawal, aged about 77 years, resident of Kewdabadi Road, Arya Niwas, Neas Bus Stand, Raigarh, Tahsil and District Raigarh (C.G.)
	VS	
RESPONDENT APPLICANT/ CONTEMNOR	:	Smt. Gayatri Devi, Widow of late Shri Sant Lal Bansal, aged about 55 years, resident of Gandhi Ganj, Raigarh, Tahsil and District Raigarh (C.G.)

P.R. No. 872/05
Presented by Shri M.K. Singh
dated 22.03.05

CONTEMPT PETITION UNDER ARTICLE 215 OF THE CONSTITUTION OF INDIA READ WITH SECTION 12 OF THE CONTEMPT OF COURTS ACT FOR INITIATING OF CONTEMPT PROCEEDINGS AGAINST THE RESPONDENT/CONTEMNOR

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(60)

आदेश पत्रक

मामला क्रमांक Contempt Pet No. 46/05 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

03/02/2006

Shri M.K. Sinha, Counsel for the applicant.

Heard on admission.

Learned counsel for the applicant contended that non-applicant, Smt. Gayatri Devi, who has filed Civil Revision No. 1647/1995, has stated in her revision that Ramnivas died during pendency of the appeal, whereas Ramnivas died during pendency of the suit, thereby she suppressed the fact. Further contention is that despite the order of the Court to pay process fee within seven days Smt. Gayatri Devi failed to pay the same.

It appears that Nathulal, Ramnivas and Radheshyam filed a suit for eviction against the Central Bank of India. During pendency of the suit Ramnivas died and lower Court holding the suit abated agaisnt Ramnivas continued the same and ultimately decreed it in favour of Nathulal and Radheshyam. Central Bank of India filed an appeal and in place of deceased Ramnivas, they made Smt. Pushpa Devi and Smt. Rajni Devi party in that appeal. Smt. Gayatri Devi purchased the share of Ramnivas from his successors by registered sale deed. Therefore, she filed an application for impleading herself in the appeal. The said application was dismissed and aggrieved with that order, it appears that Civil Revision No.1647/1995 has been filed under the signature of counsel and in that revision petition at para 3 it has been mentioned that Ramnivas original plaintiff No.2 died during pendency of the appeal.

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Neither the aforesaid statement made in revision petition nor non-payment of P.F. within time comes within the ambit of Civil Contempt and no other contentions during arguments have been raised by the applicant. Therefore, I am of the opinion that no contempt has been committed by the non-applicant, hence the petition is dismissed.

In the light of above order, IA No. 222/2006 for out of turn hearing stands disposed of.

Sd/-
V.K. Shrivastava
Judge

raju

28/2/06
26/4/11

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